

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,  
Plaintiff,

v.

APPLE INC.,  
AMERICAN AIRLINES, INC.,  
BLOOMBERG, L.P.,  
CONTINENTAL AIRLINES, INC.,  
UNITED PARCEL SERVICE, INC.,  
Defendants.

Case No. 6:08-cv-447-LED

**JURY TRIAL DEMANDED**

**JOINT MOTION TO MODIFY THE DOCKET CONTROL ORDER  
WITH RESPECT TO P.R. 3-3 AND P.R. 3-4**

The Court's July 20, 2009 Docket Control Order states that Defendants shall comply with P.R. 3-3 and P.R. 3-4 by August 21, 2009. (Dkt. #100).

On August 5, 2009, the Court held a Hotline Hearing concerning a dispute that arose regarding the taking of a Rule 30(b)(6) deposition prior to the service of the Defendants' Invalidity Contentions. (Dkt. #108). The Court ordered that the deadline for serving Defendants' Invalidity Contention should be agreed upon by the parties and occur shortly after the deposition is conducted. *Id.*

The parties have since met and conferred and agreed that the Rule 30(b)(6) deposition will occur on September 9, 2009, and that the Defendants' Invalidity Contentions and accompanying P.R. 3-4 production shall be served by September 16, 2009.

Accordingly, the parties respectfully request that the Court extend the deadline for the Defendants' compliance with P.R. 3-3 and P.R. 3-4 from August 21, 2009 to September 16, 2009.

Dated: August 21, 2009

By: /s/ Charles Ainsworth with permission by  
John R. Lane

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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 21st day of August, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

*/s/ John R. Lane* \_\_\_\_\_  
JOHN R. LANE